

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

COLONY TIRE CORPORATION,)
)
Plaintiff,)
)
v.) **JUDGMENT**
)
)
FEDERAL INSURANCE COMPANY,)
)
Defendant.)

No. 2:15-CV-27-FL

Decision by Court.

This action came before the Honorable Louise W. Flanagan, United States District Judge.

IT IS ORDERED, ADJUDGED AND DECREED in accordance with the court's orders entered November 14, 2016 and January 26, 2017, that plaintiff's motion for summary judgment is granted and defendant's motion for summary judgment is denied. **It is DECLARED and ADJUDGED** that defendant owes a duty under the policy to pay plaintiff for the damages it sustained due to the unlawful taking of \$492,350.53, and that defendant has breached its duties under the policy by refusing to pay plaintiff for the unlawful taking. Plaintiff's motion for bill of costs is GRANTED and defendant shall reimburse the sum of plaintiff's damages, costs of court, and pre-judgment interest amounting to \$556,625.66, and, in addition, any post-judgment interest as may be necessary to comply with this court's order.

This Judgment Filed and Entered on January 26, 2017, and Copies To:

Jennifer D. Maldonado (via CM/ECF Notice of Electronic Filing)
Rodney E. Pettey (via CM/ECF Notice of Electronic Filing)
Justin D. Wear (via CM/ECF Notice of Electronic Filing)
Robert W. Miller (via CM/ECF Notice of Electronic Filing)
Sam H. Poteet, Jr. (via CM/ECF Notice of Electronic Filing)

January 26, 2017

JULIE RICHARDS JOHNSTON, CLERK

/s/ Christa N. Baker
(By) Christa N. Baker, Deputy Clerk

